

Regular Session, 2009

SENATE BILL NO. 309

BY SENATORS GRAY EVANS AND DORSEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SCHOOLS. Provides for health-related fitness assessments to determine physical fitness levels of students in schools. (8/15/09)

AN ACT

To enact R.S. 17:17.5, relative to physical fitness; to provide for physical fitness assessments in schools; to provide for continuation of a program conducting fitness assessments; to provide a plan for statewide implementation of such assessments; to provide for legislative intent; to provide for program participants; to provide relative to the results from such assessments; to provide for reports; to provide for rules and guidelines; to provide for funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:17.5 is hereby enacted to read as follows:

§17.5. Physical fitness assessment; statewide expansion program

A.(1)(a) It is the intention of the legislature to authorize a framework to collect data to assess the status of an expansion program, based upon a pilot program conducted in twelve parishes, that will utilize a health-related fitness assessment instrument to determine the fitness levels of students as a means to impact childhood obesity in Louisiana whereby positive results can be repeated or replicated in schools throughout the state.

(b) It is the goal of the legislature that positive results of such assessment

1 can be used to implement a statewide health-related physical fitness assessment
2 in each city, parish, and other local public school system that provides
3 personalized feedback and positive reinforcement vital to improved health and
4 wellness, academics, and changing behavior, and serves as a source of
5 communication between teachers, parents, and students. It is also a goal of the
6 expansion program to focus on school systems with high levels of poverty based
7 upon the federal poverty guidelines published annually by the United States
8 Department of Health and Human Services.

9 (2) Participants in the pilot program, specified in Subparagraph (1)(a)
10 of this Subsection, consist of the twelve parishes and school districts which are
11 part of the coordinated school health pilot program, including the parishes of
12 Natchitoches, Desoto, Sabine, West Feliciana, Lafayette, St. Martin, St. Mary,
13 Ouachita, Lincoln, Morehouse, the Recovery School District, and the Monroe
14 City School System. The pilot programs evolved from the "Coordinated School
15 Health Plan 2004," developed by the Department of Education, the Department
16 of Health and Hospitals, and the Cecil J. Picard Center for Child Development
17 and Lifelong Learning at the University of Louisiana at Lafayette. The twelve
18 pilot programs are conducted through the Cecil J. Picard Center, in
19 coordination with other universities, including Northwestern State University,
20 Louisiana Tech University, and Southeastern Louisiana University. As funding
21 is identified from existing budgets, foundations, or other sources, the
22 implementation of the program provided for in this Paragraph shall be
23 expanded to additional school systems.

24 B. For purposes of the expansion program, the Cecil J. Picard Center,
25 in collaboration with the Department of Education and the Department of
26 Health and Hospitals, shall continue use of the physical fitness assessment
27 instrument used for the pilot program which shall:

28 (1) Be based on factors relating to student health that have been
29 identified as essential to overall health and function, including the following:

1 (a) Aerobic capacity.

2 (b) Body composition.

3 (c) Muscular strength, endurance, and flexibility.

4 (2) Include criterion-referenced standards specific to a student's race,
5 age, and gender and based on the physical fitness level required for good health.

6 C.(1) The results of the physical fitness assessment as provided in this
7 Section shall contain summary or statistical data, aggregated longitudinally
8 from pre-kindergarten to the twelfth grade and include any other category
9 deemed appropriate. Such summary results shall contain no personally
10 identifiable information of any student or teacher participating in the program.

11 (2) The physical fitness assessment instrument shall provide baseline
12 measures of fitness and body mass index and subsequent measurement of
13 effectiveness of interventions.

14 D.(1) Not later than September 1 of each year, the Department of
15 Education, in collaboration with the Cecil J. Picard Center, shall provide an
16 annual report concerning the implementation of the physical fitness assessment
17 to the State Board of Elementary and Secondary Education, the Department of
18 Health and Hospitals, the Governor's Council on Physical Fitness and Sports,
19 and the Louisiana Council on Obesity Prevention and Management, hereinafter
20 referred to as the "Louisiana Obesity Council."

21 (2)(a) Not later than September 1 of each year, the Cecil J. Picard Center
22 shall report the findings from an analysis of the plan development and
23 implementation results of the assessment obtained during the preceding school
24 year to the governor, the Senate and House committees on education, the Senate
25 and House committees on health and welfare, the State Board of Elementary
26 and Secondary Education, the Department of Health and Hospitals, the
27 Governor's Council on Physical Fitness and Sports, and the Louisiana Obesity
28 Council.

29 (b) The Louisiana Obesity Council, in consultation with the Department

1 of Education, the Department of Health and Hospitals, the Governor's Council
2 on Physical Fitness and Sports, and the Cecil J. Picard Center, shall make
3 further recommendations regarding program implementation, findings, best
4 practices, and future direction through the Department of Health and Hospitals,
5 Office of Public Health, to the legislative committees specified in Subparagraph
6 (a) of this Paragraph. The plan to expand these assessments and develop
7 interventions shall be provided not later than December thirty-first of each year
8 and shall consist of a period of not more than five years for implementation.

9 E. The State Board of Elementary and Secondary Education and the
10 Department of Health and Hospitals shall adopt such rules and guidelines as are
11 necessary to implement this Section.

12 F. No physical fitness assessment conducted pursuant to this Section shall
13 interfere with nor replace any effort, purpose, assessment, or program
14 implemented by the Governor's Council on Physical Fitness and Sports,
15 including but not limited to the President's Challenge and the elementary fitness
16 meet.

17 G. The provisions of this Section shall be effective upon the
18 appropriation of funds or from funds made available through other sources for
19 this purpose.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Sherri H. Breaux.

DIGEST

Gray Evans (SB 309)

Proposed law provides that the intent of the legislature is to assess the status and data of a statewide expansion program consisting of utilization of a health-related fitness assessment instrument to determine the fitness levels of students as a means to impact childhood obesity whereby positive results can be repeated or replicated in schools throughout the state. Further provides that positive results can be used to implement a statewide health-related physical fitness assessment in each city, parish, or other local public school system that provides personalized feedback and positive reinforcement. Provides another goal is to focus on those school systems with high levels of poverty based on the federal poverty guidelines.

Provides that the expansion program is based upon a pilot program consisting of the 12 parishes and school districts that are part of the coordinated school health pilot program. Provides that these pilots evolved from the "Coordinated School Health Plan 2004," developed by the Dept. of Education, Dept. of Health and Hospitals (DHH), and the Cecil

J. Picard Center for Child Development and Lifelong Learning at the University of La. at Lafayette. Provides that as funding is identified from existing budgets, foundations, or other sources, the implementation of the program will be expanded to additional school systems.

Requires, for the purposes of the expansion program, the continued use of the physical fitness assessment instrument used for the pilot program which:

- (1) Is based on factors relating to student health identified as essential to overall health and function including aerobic capacity, body composition, and muscular strength, endurance, and flexibility.
- (2) Includes criterion-referenced standards specific to a student's race, age, and gender and based on the physical fitness level required for good health.

Requires the results of the physical fitness assessment to contain summary or statistical data, aggregated longitudinally from pre-k to the 12th grade and include any other category deemed appropriate, and prohibits such summary results from containing any personally identifiable information of any student or teacher participating in the program. Requires the assessment instrument to provide baseline measures of fitness and body mass index and subsequent measurement of effectiveness of interventions.

Requires the following reports:

- (1) An annual report by the Dept. of Education, in collaboration with the Cecil J. Picard Center, by Sept. 1 each year concerning implementation of the assessment to DHH, the Governor's Council on Physical Fitness and Sports, and the La. Council on Obesity Prevention and Management.
- (2) A report by the Cecil J. Picard Center of the findings from an analysis of the plan development and implementation results of the assessment obtained during the preceding school year by Sept. 1 each year to the governor, the Senate and House committees on education, the Senate and House Committees on health and welfare, BESE, DHH, the Governor's Council on Physical Fitness and Sports, and the La. Obesity Council.
- (3) A report of recommendations by the La. Obesity Council, in consultation with the Dept. of Education, DHH, the Governor's Council on Physical Fitness and Sports, and the Cecil J. Picard Center, regarding program implementation, findings, best practices, and future direction through the Office of Public Health to the Senate and House education committees and the Senate and House health and welfare committees. Provides for the plan to expand these assessments and develop interventions to be provided no later than Dec. 31st of each year and consist of a period of not more than five years for implementation.

Provides that no physical fitness assessment conducted shall interfere with nor replace any effort, purpose, assessment, or program implemented by the Governor's Council on Physical Fitness and Sports, including but not limited to the President's Challenge and the elementary fitness meet.

Provides for the adoption of necessary rules and guidelines by BESE and DHH for program implementation. Provides that implementation of the pilot program in proposed law is based on the availability or appropriation of funds for this purpose.

Effective August 15, 2009.

(Adds R.S. 17:17.5)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Education to the original bill.

1. Clarifies the program is a statewide expansion of an existing pilot and provides for program and provides for implementation and expansion to additional school systems as funding is identified from existing budgets, foundations, or other sources.
2. In addition to a student's age and gender, requires the fitness assessments to include criterion-referenced standards that are specific to race.
3. Requires that the fitness assessment contain data aggregated longitudinally from Pre-K to 12th grade.
4. Clarifies that the DOE, in collaboration with the Picard Center at ULL, is to provide an annual report concerning the implementation of the physical fitness assessment to BESE, DHH, the Governor's Council on Physical Fitness and Sports, and the Obesity Council not later than Sept. 1 of each year.
5. Requires the Obesity Council, in consultation with DOE, DHH, and the Governor's Council on Physical Fitness and Sports, and the Picard Center, to make recommendations.
6. Requires that the plan to expand the assessments and develop interventions be provided no later than December 31st of each year and consist of a period of not more than 5 years for implementation.
7. Provides that no physical fitness assessment conducted shall interfere with nor replace any effort, purpose, assessment or program implemented by the Governor's Council on Physical Fitness and Sports, including but not limited to the President's Challenge and the elementary fitness meet.